GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3902
ANSWERED ON:08.08.2002
GUIDELINE FOR SITTING SUPREME COURT AND HIGH COURT JUDGES
C.K. JAFFER SHARIEF;DALPAT SINGH PARASTE

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether recently Supreme Caurt has framed a set .of broad guidelines far sitting Supreme Caurt and High Caurt Judges ta discaurage them fram heading Inquiry Cammissian;

(b) whether the Supreme Caurt has said that at the time .of appaintment .of a sitting judge as a Cammissian .of inquiry has ta be made .only an rare accasians if it becames necessary far the paramaunt natianal interest .of the cauntry; and

(c) if sa, the details .of guidelines issued in this regard?

Answer

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI):

(a) The Supreme Caurt has farmulated same braad guidelines far appaintment .of a sitting Judge .of High Caurt .only ta a Cammissian in their Judgement dated the 12th July, 2002 in T. Fenn Walter & .others Vs Unian .of India & .others.

(b) and (c) Yes, Sir.

As per the guidelines, appaintment .of a sitting Judge .of a High Caurt is natabjectianable as a Cammissian .of inquiry under the Cammissians .of Inquiry Act . or ta a judicial .office which has ta be filled up by a sitting Judge ta fulfil therequirement .of law .or where the expertise & experience .of a sitting Judge is required like a Member .of the Finance Cammissian or Law Cammissian. The sitting Judges can be appainted as Inquiry Cammissian if the inquiry itself can be conducted without prejudice to ather judicial wark as a Judge of the superiar Caurt. The appaintment shauld nat campromise the dignity .of the .office afthe sitting Judge and shauld preserve the independence .of judiciary. The appaintment .of a sitting Judge as a Cammissian .of Inquiry has ta be made . only an rare accasians if it becomes. necessary far the paramaunt natianal interest .of the cauntry.